

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration D.A.No.529 of 1992

Divisional Personal Officer....

Applicant

Vs .

Shyam Bihari Lal Saxena  
& Others

....

Opposite Parties

Hon'ble Mr. Justice U.C. Srivastava, V.C.

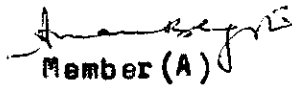
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This application is against the order dismissing the application for setting aside the ex-parte order passed by the Prescribed Authority on the ground that the application was moved after one year. It appears that the notices were issued to the applicants but as no one appeared, the Prescribed Authority directed that the case will now proceed ex-parte. But instead of moving an application for setting aside the same <sup>at that time</sup> / they moved an application after one year that is why the application was rejected. The applicant without exhausting any remedy which may be available to him under the Payment of Wages Act has approached the Tribunal. As the case is still pending before prescribed Authority, the applicant can challenge the final order before the appropriate forum and this is not the stage for challenging the said order before this Tribunal. Accordingly this application is rejected. Learned counsel for the applicant contended that even if ex-parte <sup>order</sup> / is not set aside and the case will proceed ex-parte, the applicant has a right to cross-examine the witnesses for which the applicant may satisfy the Prescribed

- 2 -

Authority. No observation at this stage in this behalf  
can be made.

  
Member (A)

  
Vice-Chairman.

14th May, 1992, Allahabad.

(sph)